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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/681,573

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David M. Dinnage

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NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

EXAMINER

KANG, PAUL H

ART UNIT

PAPER NUMBER

2144

NOTIFICATION DATE

DELIVERY MODE

05/02/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@nutter.com

Office Action Summary	Application No. 10/681,573	Applicant(s) DINNAGE ET AL.	
	Examiner Paul H. Kang	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

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|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Work, US Pat. App. No. US 2002/0059201 A1, in view of Shteyn, US Pat. App. No. US 2002/0144007 A1.

3. As to claim 24, Work teaches the invention substantially as claimed. Work teaches a method for transferring and communicating data between a wireless device connected to a network and a matching database system having at least one server connected to the network (Work, ¶¶ 0058-0059), comprising:

receiving profile data relating to a wireless device user by the server and storing the profile data in the matching database system (Work, ¶¶ 0018-0019, 0024, 0054);

receiving by the server of a request for data from the wireless device user through the wireless device (Work, ¶ 0022);

matching by the matching database system of data responsive to the request by comparing data to the wireless device user's profile data and determining at least one match (Work, ¶ 0023);

transmitting the matching data to the wireless device for review by the wireless mobile device user (Work, ¶¶ 0023, 0054).

However, Work does not explicitly teach that the wireless device is a wireless mobile device. Shteyn teaches a wireless mobile device for matching users on a network based on profile information (Shteyn, ¶ 0012-0013). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the known technique of wireless mobile device use as taught by Shteyn into the matching system of Work to enable use of wireless mobile devices.

4. As to claim 25, Work-Shteyn teaches the method wherein the profile data includes characteristic and criterion data and the matching is at least in part two-way matching based upon both characteristic and criterion data (Work, ¶¶ 0066-0076).

5. As to claim 26, Work-Shteyn teaches the method wherein at least some of the characteristic data is obtained passively (Work, ¶¶ 0078-0082).

6. As to claim 27, Work-Shteyn teaches the method wherein matching data is transmitted in response to a request by the wireless mobile device user (Work, ¶¶ 0023, 0054).

7. As to claim 28, Work-Shteyn teaches the method wherein the request by the wireless mobile device user is scheduled for future transmitting (Shteyn, ¶ 0013).

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8. As to claim 29, Work-Shteyn teaches the method wherein the data transmitted by the server to the wireless mobile device comprises a notification message (Work, ¶¶ 0062-0063, 0148-0151; Shteyn, ¶ 0013).

9. As to claim 30, Work-Shteyn teaches the method wherein the notification message includes an interactive communication element that is selectable by the wireless mobile device user (Shteyn, ¶¶ 0013, 0041-0042).

10. As to claim 31, Work-Shteyn teaches the method wherein the interactive communication element initiates real-time voice or electronic messaging communication with a person corresponding to the notification message (Shteyn, ¶¶ 0013, 0041-0042).

11. As to claim 32, Work-Shteyn teaches the method wherein the notification message is delivered by SMS instant messaging (Shteyn, ¶ 0013).

12. As to claim 33 and 34, Work-Shteyn teaches the method wherein the interactive communication element initiates anonymous interactive communication between the wireless mobile device user and a person corresponding to the notification message (Work, ¶¶ 0062-0063, 0140-0151; Shteyn, ¶¶ 0013, 0041-0042).

13. As to claim 35, Work-Shteyn teaches the method wherein the matching data corresponds to another wireless mobile device user whose profile data has been received by the server (Work,

¶¶ 0062-0063, 0140-0151)

14. Claims 36-45 recite substantially the same limitations as claims 25-34, therefore, claims 36-45 are rejected under the same rationale.

Response to Arguments

15. Applicant's arguments with respect to newly added claims 24-45 have been considered but are moot in view of the new ground(s) of rejection. The applicant has cancelled claims 1-23 and submitted new claims 24-45. The new ground of rejection treats the newly added claims.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/
Primary Examiner
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